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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,293	02/04/2000	Ronald Roscoe Bush	AT9-97-308B	8618

7590 05/23/2005  
BRACEWELL & PATTERSON, LLP  
INTELLECTUAL PROPERTY LAW  
P.O. BOX 969  
AUSTIN, TX 78767-0969

EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/498,293

### Applicant(s)

BUSH, RONALD ROSCOE

### Examiner

John M Winter

### Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status***

Claim 15 remains pending

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Response to Arguments***

The Applicant's arguments entered on March 3, 2005 have been fully considered but are not persuasive.

As per claim 15.

The Applicant states that the cited prior art references fail to disclose the claimed features of "comparing, at said clearinghouse said first copy of said electronic check that has been transmitted over an unsecure communication link to said second copy of said electronic check that has been transmitted over an unsecure communication link"

The Examiner responds that Chang discloses transmitting electronic check data over an unsecure communication link (Column 4, lines 32-42) transfer of data is implemented via the internet, and Hayosh discloses comparing message digests that are derived from data contained on a check ( Abstract; Figure 11), the feature of comparing digests is analogous to comparing the checks themselves.

See following rejection

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US Patent 5,848,400) in view of Arnold et al (US Patent 4,558,176) and further in view of Rosen (US Patent 6,047,067) and further in view of Hayosh (US Patent 6,600,823).

As per claim 15

Chang ('400) discloses a method of processing an electronic check, comprising:  
receiving an electronic check at a business; transmitting a first copy of said electronic check to a payor's bank and a second copy of said electronic check to a payee's bank;  
decoding said first copy of said electronic check at said payor's bank. (Abstract, Figure 1 [.. forwarding the received transaction to at least one of the payor or payee's financial institution])

Chang discloses transmitting electronic check data over an unsecure communication link (Column 4, lines 32-42 [transfer of data is implemented via the internet])

Chang does not explicitly disclose "encrypted using a one-time pad", Arnold et al ('176) discloses "encrypted using a one-time pad" (column 24, lines 24-32 [..uses this random number string as a one time pad.. ]). It would be obvious to one of ordinary skill in the art at the time of the invention to utilize a one-time pad because this prevents adversaries from cracking codes that are reused.

Chang does not explicitly disclose "authenticating said electronic check; transmitting said first copy of said electronic check to a clearinghouse with a payment authorization. Rosen ('067) discloses "authenticating said electronic check; (column 3, lines 50-54 [...digital signatures to provide authentication...]) transmitting said first copy of said electronic check to a clearinghouse with a payment authorization.", (column 3, lines 64-67 [utilize an interbank clearing and settling process to maintain the monetary balance]). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Rosen's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud..

Rosen ('067) discloses the claimed invention except for transmitting said second copy of said electronic check to said clearinghouse, It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a second copy of the electronic check to the clearinghouse, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Chang does not explicitly disclose "comparing, at said clearinghouse said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing at said clearinghouse a transaction transferring funds from said payor's bank to said payee's bank. Hayosh ('823). discloses "comparing at said clearinghouse said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing at said clearinghouse a transaction transferring funds from said payor's bank to said payee's bank ", (Abstract; Figure 11 [comparing the two message digests] ). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Hayosh's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud.

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### *Conclusion*

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

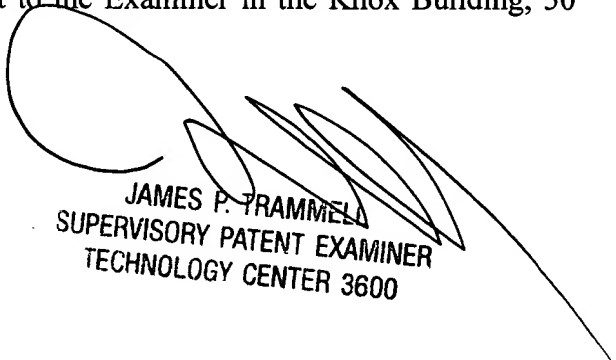
or faxed to:

**(703) 305-7687** [Official communications; including After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW  
May 15, 2005



**JAMES P. TRAMMELL**  
SUPERVISORY PATENT EXAMINER  
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